

# Sotheby's INSTITUTE OF ART

## ACADEMIC APPEALS PROCEDURE – LONDON

(This procedure is applicable to all SIA - London students registered with the University of Manchester)

### Introduction and Principles

1. The QAA Revised UK Quality Code (May 2018) defines an academic appeal as “A request for a review of a decision of an academic body around a mark, outcome, or decision. Students may appeal an outcome on the basis of evidence, or procedure, but not on the basis of disagreement with academic judgement.”
2. This Procedure may be used by students who wish to appeal against a final decision of an examination board that affects a student's academic status or progress in the Institute.
3. This Procedure may not be used because a student is dissatisfied with the outcome of his or her assessment. Furthermore, an appeal, which questions the academic or professional judgement or professional competence of those, charged with the responsibility for assessing a student's academic performance will not be permitted.

### Definition and Scope of Procedure

4. This Procedure is designed for serious academic issues as described in paragraph 1 to 3 above, including (but not limited to) the following:
  - (a) a decision that the student be dismissed from the Institute on grounds of unsatisfactory progress or failure to meet academic or professional requirements;
  - (b) a requirement that the student's status changes and the student is consequently transferred to a programme offering a qualification of lower rank, for example:
    - (i) Master's degree to Postgraduate Diploma or Postgraduate Certificate;
    - (ii) Postgraduate Diploma to Postgraduate Certificate;
  - (c) a decision not to allow a student to progress from a Postgraduate Diploma to a Master's degree;
  - (d) a decision not to award credits or a postgraduate qualification;
  - (e) a decision not to allow resubmission of a dissertation for a Master's degree;

- (f) the result of a formal assessment, unit result or the award of a particular degree classification.
- 5. The OIA Good Practice Framework (Dec. 2016) defines a student as “anyone who is, or was recently, a registered student” at Sotheby’s Institute of Art
- 6. A student may submit an appeal only on his or her own behalf; an appeal submitted by a third party will not be accepted unless accompanied by written authorisation from the student. A student may, however, seek support from, for instance Student Support services in submitting an appeal.

### **Grounds for Appeal**

- 7. An appeal may be made only on grounds alleging, with accompanying evidence:
  - (a) that there exists or existed circumstances affecting the student's performance of which, for good reason, the board of examiners or committee may not have been made aware when the decision was taken and which might have had a material effect on the decision. **[Note: If a student wishes to appeal on such grounds, s/he must give adequate reasons with supporting documentation why this information was not made available prior to the decision being made. If a student wishes to appeal on such grounds without supporting documentation, the student must present a credible and compelling reason for the non-disclosure of circumstances affecting his/her performance];**
  - (b) that there had been a material administrative error or procedural irregularity in the assessment process or in putting into effect the regulations for the programme/course of study of such a nature as to cause significant doubt whether the decision might have been different if the error or irregularity had not occurred;
  - (c) that there is evidence of prejudice or bias on the part of one or more of the examiners;
  - (d) that the supervision of the student in respect of research for a dissertation or thesis or equivalent work was unsatisfactory in relation to the Institute’s Dissertation Protocol, to the point that his or her performance was seriously affected. If students wish to appeal on such grounds but the supervisory concerns arose significantly before the assessment result against which they are appealing, and without it having been raised in writing with the Institute before the appeal, the student must provide credible and compelling reasons for only raising these concerns at appeal.

### **Informal Stage: Local Resolution**

8. A student considering appealing should discuss the matter with his or her Personal Tutor, Programme Director or Course Leader, or Supervisor at the Institute before doing so in order to better clarify the reason for the result or decision against which s/he wishes to appeal. An initial evaluation at this informal stage will also ensure that the student's prospective appeal is submitted under the appropriate procedure. The student may be referred, for example, to a different procedure (i.e., Student Complaints Procedure). A formal appeal should only be submitted if a student remains dissatisfied once informal avenues have been exhausted.
9. Where a student's possible appeal has been resolved locally, the member(s) of staff involved will communicate the resolution to the student, usually via email, so there is a record of the resolution. The email communication will also be sent to the Institute's Quality Team so they can record and track locally resolved potential appeals.
10. The Institute's Quality Team will also monitor, action and track any student appeals, whether resolved at the informal stage or through the formal procedure.

### **Formal Procedure**

11. If a student remains dissatisfied with the result or decision once informal avenues have been exhausted or when the issue is not appropriate to be raised informally in the opinion of the student, and the student believes there are valid grounds for appeal (as specified in paragraph 5 above), s/he may invoke the formal appeal procedure. The student may seek advice and guidance in preparing the appeal from the Director's Office Manager or other member of the Quality Team.
12. A formal appeal may be initiated by completing an Appeals Form (available from Canvas) and submitting it to the Director's Office Manager within forty (40) working days of notification of the result or decision. No appeal can be made subsequent to the forty (40) day period, unless the Quality Team determines in its discretion that good cause has been shown for late submission. The student should submit the Form with any documents s/he wishes to be considered in the appeal. Evidence should normally be contemporaneous, capable of verification, and written in English.
13. The Director's Office Manager will send the student formal written notification if a student's appeal is submitted out of time and the Quality Team has determined that good cause for late submission has not been shown. This decision is not appealable; a Completion of Procedures letter can be provided on request.
14. The Director's Office Manager will convene a meeting of the **Academic Appeals Committee** as soon as possible to review the appeal and supporting documentation, and will inform the student at least ten (10) working days before the date of the meeting and the members of the Committee. The student may if s/he wishes appear before the Committee in person and may be accompanied by a friend who is also a registered student of the Institute, acting as an observer only. Attendance by the student is not required.
15. If the student has any objection to (a) the time or date of the meeting, and/or (b) the membership of any person or persons participating on the **Academic Appeals Committee**, the student may, by written request to the Director's Office Manager. This request should be received no later than five (5) working days before the date

that the meeting is to be held, ask for (i) an alternative time and date and/or (ii) an alternative member or members to serve on the **Academic Appeals Committee**, giving the reason(s) for the request. The Director's Office Manager shall have power to decide upon the validity of any such request and may change the time and date and/or appoint an alternative member or members to the **Academic Appeals Committee**. In exceptional circumstances, the student(s) may attend the **Committee** via alternative means such as Skype or other forms of video transmission.

16. The Director's Office Manager will compile materials relevant to the Appeal to circulate to the Academic Appeals Committee. It will be shared with the appellant at least 5 working days before the date of the Committee.
17. If the Director's Office Manager considers that the student has shown that there is good reason that s/he cannot attend the hearing in person, the Director's Office Manager may agree to the student participating in the hearing via video or teleconferencing facilities (or equivalent). If in either case without showing good cause, (i) the student fails to attend the hearing in person or (ii) having obtained the Director's Office Manager's prior consent to participate in the hearing via video or teleconferencing facilities (or equivalent), the student fails to participate in this manner, the hearing may be conducted in his or her absence.
18. The **Academic Appeals Committee** will include the Institute's Senior Officer Quality Assurance and Validation (Chair) or Nominee, and two members of staff and/or academic faculty not associated with the case and a Student Representative from a different cohort to the appellant(s). The Director's Office Manager will attend as secretary, but shall not vote.
19. Subject to the provisions of this Procedure, the Chair shall determine all issues of procedure at the meeting of the **Academic Appeals Committee**. The **Academic Appeals Committee** shall give the student opportunity to present his or her case at the meeting. The **Academic Appeals Committee** shall conduct its hearings in accordance with the rules of natural justice.
20. The **Academic Appeals Committee** will reach its conclusions and recommendations by a majority of its members. The Chair may vote and shall have, in addition, a casting vote.
21. The **Academic Appeals Committee** may determine that the academic appeal has identified relevant matters that were not known to those making the original decision or that there had been procedural or administrative errors which might have affected that decision. In this event it may refer the case back to the original board of examiners for reconsideration taking into account any new information, or any guidance, from the **Academic Appeals Committee**. The reconvened board of examiners or committee will have the power to confirm or alter its original decision. Where the original decision is confirmed, the student will be given reasons for that decision. If the student is dissatisfied with the decision of the reconvened board of examiners or committee, the student may ask for the case to be reviewed once more by the **Academic Appeals Committee**, following the procedure outlined herein.
22. The **Academic Appeals Committee** will notify the student in writing within ten (10) working days of the meeting of its conclusions and recommendations in writing, which will set forth the reasons for its conclusions and recommendations. If there is a delay in reaching a conclusion because of, for example, the need for clarification of matters with the student or for further information, the **Academic Appeals**

**Committee** will so notify the student in writing. In such event, the **Academic Appeals Committee** will reconvene within thirty (30) working days of the original meeting date. The student may attend the reconvened meeting. The **Academic Appeals Committee** will notify the student in writing within ten (10) working days of the reconvened meeting of the outcome.

23. The **Academic Appeals Committee** should be aware that appeals processes are likely to be stressful for the students concerned and should attempt to minimise unnecessary pressure on students and offer them appropriate support, while striving to fulfil its duties in line with this Policy.

## Review

24. If the student is dissatisfied with the response set forth in the written notification of the **Academic Appeals Committee**, the student shall have the right to ask for a review of the decision. A review will only be undertaken against the conclusions and recommendations on one or both of the following grounds:
- (a) procedural irregularity; and/or.
  - (b) a consideration of whether the outcome was reasonable in all the circumstances; and/or
  - (c) availability of new evidence which could not reasonably have been expected to be presented at the original **Academic Appeals Committee** meeting.
25. The student may submit a request for a review, including a statement of the grounds on which the review request is being made, in writing to the Director's Office Manager to be received within ten (10) working days of the date on which written notification of the determination of the original **Academic Appeals Committee** is sent to the student. A request for a review received after this time without good cause shown for its late submission shall only be granted at the discretion of the Director's Office Manager.
26. The Director's Office Manager shall convene a **Review Panel** to hear the appeal of the student. The **Review Panel** shall not re-hear the case afresh, but shall consider whether the initial conclusions and recommendations were fair by:
- (a) reviewing the procedures followed; and
  - (b) establishing whether the appellant has presented any new evidence that could not reasonably have been expected to be presented at the original **Academic Appeals Committee** meeting and whether this evidence is material and substantial to the conclusions and recommendations.
27. The following Institute members shall serve on the **Review Panel**:
- (a) One nominated member drawn from the Academic Board (Chair); and
  - (b) Two members of the academic staff, drawn from the Institute. And
  - (c) a Student Representative from a different cohort to the appellant(s).

The **Review Panel** shall have a quorum of four members. The Director's Office Manager shall attend as secretary, but shall not vote.

28. No person shall be a member of the **Review Panel**:
- (a) who served on the **Academic Appeals Committee** which dealt with the matter(s) under review, or was otherwise involved in the proceedings; or
  - (b) who has been in any manner closely connected with the case; or
  - (c) in respect of whom a conflict of interest would arise or is likely to arise if s/he were to be a member of the **Review Panel**.
29. The Director's Office Manager shall inform the student in writing at least ten (10) working days in advance of the hearing of the date, time and place of the hearing, and the names of the members of the **Review Panel**.
30. If the student has any objection to (a) the time or date of the hearing, and/or (b) the membership of any person or persons participating on the **Review Panel**, the student may by written request to the Director's Office Manager. The request should be received no later than five (5) working days before the date that the hearing is to be held, ask for (i) an alternative time and date and/or (ii) an alternative member or members to serve on the **Review Panel**, giving the reason(s) for the request. The Director's Office Manager shall have power to decide upon the validity of any such request and may change the time and date and/or appoint an alternative member or members to the **Review Panel**. In exceptional circumstances the student(s) may attend the **Panel** via alternative means such as Skype or other forms of video transmission.
31. Subject to the provisions of this Procedure, the Chair shall determine all issues of procedure at the hearing of the **Review Panel**. The **Review Panel** shall give the student the opportunity to present his/her case at the hearing.
32. The student may be accompanied at the hearing of the **Review Panel** by a friend if s/he is a registered student at the Institute, acting as an observer only.
33. Attendance by the student at the **Review Panel** is not compulsory.
34. Conclusions and recommendations may be made by a majority of the **Review Panel**. The Chair may vote and shall have, in addition, a casting vote. The **Review Panel** may elect an alternate Chair.
35. The **Review Panel** shall conduct its business in accordance with the rules of natural justice. The **Review Panel** shall have the authority, if the student presents new evidence that is material and substantial to the **Review Panel**, to refer the case back for consideration to the original Board of Examiners. In such event the student will have another opportunity to appeal the conclusions and recommendations of the newly constituted **Academic Appeals Committee**.
36. The **Review Panel** shall inform the student in writing within ten (10) working days of the hearing of the Panel's decision on the appeal, together with reasons for the decision.

37. The **Review Panel** shall send a copy of the decision of the appeal to the Institute's Quality Team at the same time as it sends the decision to the student.
38. The **Review Panel** has the power to adjourn a hearing to another date, as it thinks fit.
39. Following receipt of the decision of (a) the initial **Review Panel** or (b) a subsequently constituted **Review Panel** should the initial **Review Panel** have referred the case back to a newly constituted **Academic Appeals Committee**, the student shall have the right to request a review of the Institute's decision by the Institute's validating organisation, the University of Manchester. The request is subject to the regulations and policies of the University. The student should refer to the University of Manchester's Teaching and Learning Support Office for details of procedures for requesting a review, and for the relevant staff contacts, which are set forth at:

<http://www.tlso.manchester.ac.uk/appeals-complaints/>

<http://documents.manchester.ac.uk/display.aspx?DocID=28682>

40. In the event that a student has asked for review by the University of Manchester and the issue remains unresolved to their satisfaction, the student is entitled to ask the OIA (Office of the Independent Adjudicator) to review his/her/their case about the outcome of the Institute's Academic Appeals process. The OIA is an independent body set up to review student complaints about higher education providers in England and Wales. The student should make any such representations to the OIA within 12 months of the date of receipt of the outcome from the University of Manchester. For further information go to:

<https://www.oiahe.org.uk/students/>

### **Director's Powers**

41. In the event that it proves impracticable to convene the **Academic Appeals Committee** or the **Review Panel** because of the unavailability of a sufficient number of individuals who are eligible to serve on such a Committee or Panel, the Institute's Director may appoint such other person or persons to serve on such Committee or Panel as he sees fit.